

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HENDERSON,

Plaintiff,

v.

ROSS BURRELL,

Defendant.

Case No. [16-cv-01088-VC](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On March 3, 2016, Michael Henderson, a state prisoner proceeding *pro se*, filed a civil rights action under 42 U.S.C. § 1983.

On November 3, 2016, the Court sent Henderson an order reassigning the case to a district court judge. On November 9, 2016, the order was returned to the Court as undeliverable because Henderson was no longer in custody. On November 22, 2016, more Court mail was returned as undeliverable.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* Civil L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* Civil L.R. 3-11(b).

More than sixty days have passed since the mail sent to Henderson by the Court was returned as undeliverable and the Court has not received a notice from Henderson of his current

address. Accordingly, the instant complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules.

IT IS SO ORDERED.

Dated: February 27, 2017

A handwritten signature in black ink, appearing to read 'VCH', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge